

REMARKS

The present remarks and amendments are responsive to the Office Action mailed on 09/09/05. Claims **1-19** are pending in this application. The specification has been amended, wherein the trademarks "KAPTON TM" and PARALENE TM" have been capitalized wherever it appears followed by a generic description as suggested by the Examiner. Claims **9** and **11-12** have been amended to correct for antecedent basis informalities. Claim **13** has been amended to correct for an antecedent basis informality and for an inadvertent typographical error. Claims **15** and **17-18** have been amended because of improper antecedent basis so as to address a 35 U.S.C. 112 rejection of claims 15-19 by the Examiner. Claims **1**, **8**, and **14** have been amended to include the limitations from claims 3, 10 and 16 respectively and accordingly, claim **3**, claim **10**, and claim **16** have been provisionally canceled. Finally, claim **4** has been amended to correct for antecedent basis because of the cancellation of claim **3**. Support for the amendments can be found inter alia, among the specification and original claims. No new matter has been added.

Accompanying this communication is a petition to extend the prosecution on this matter for two months and the appropriate fee. By the foregoing and the following remarks, Applicants respectfully submit that remaining pending claims **1-2**, **4-9**, **11-15**, and **17-19** are now in condition for allowance and Applicants respectfully request allowance of such claims.

Discussion of the Office Action

In the Office Action of August 9, 2005 the Examiner requested capitalization of the trademark Kapton (i.e., KAPTON TM) and Parylene (i.e., PARALENE TM) in the specification followed by a generic description. The Examiner rejected claims 9-11 under 35 U.S.C. §112 for antecedent basis informalities. In addition, claims 13, and 15-19 have also been also rejected under 35 U.S.C. §112, second paragraph. Finally, claims 1-19 are rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Brookes et al. (U.S. Patent 6, 386, 108) and further in view of Wu et al. (U.S. Patent 6, 227, 114).

Discussion of the capitalization of the trademarks utilized in the present application

The trademarks have been amended in the specification and thus address the concerns by the Examiner.

Discussion of the 35 U.S.C. §112 rejections of claims 9-11, 13 and claims 15-19

As set forth above, claims 9-11, 13 and claims 15-19 have been rejected under 35 U.S.C. §112 primarily for antecedent basis informalities and typographical errors.

As shown above, claims 9-11 were amended to correct for improper antecedent basis. Claim 13 was amended to correct for improper antecedent basis and to correct for a typographical error. Claims 15-19 were amended to correct for improper antecedent basis so as to address the 35 U.S.C. §112, second paragraph rejection by the Examiner.

In light of the amendments to claims 9-11, 13 and claims 15-19, Applicants submit that the rejections under 35 U.S.C. §112 of such claims have been overcome.

Discussion of the rejection of claims 1-19 under 35 U.S.C. §103(a)

As set forth above, claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks (U.S. Patent 6, 386, 108) and further in view of Wu et al. (U.S. 6, 227, 114). Applicants respectfully traverse the rejection.

Element 1 of amended independent claim 1 is as follows:

A system, comprising:

a plurality of capacitor discharge units, wherein each of said units further comprises: an optical receiver, an electrical storage capacitor, and an electrical bridge type detonator, **wherein each said electrical bridge type detonator can be initiated with less than about 50 mj of energy** and wherein each said electrical bridge type detonator is operatively coupled to an explosive....

Element 1 of amended independent claim 8 is as follows:

A system for use in a wellbore, comprising:

a plurality of capacitor discharge units, wherein each of said units further comprises: an optical receiver, an electrical storage capacitor, and a chip slapper, wherein each said chip slapper is operatively coupled to a shaped charge **and wherein said chip slapper is capable of being initiated with less than about 50 mj of energy....**

Element 1 of amended independent claim 14 is as follows:

A method for use in a wellbore, comprising:

providing a plurality of capacitor discharge units, wherein each of said units

further comprises: a fiber coupled optical receiver, an electrical storage capacitor and an electrical bridge type detonator, wherein each said electrical bridge type detonator is operatively coupled to a shaped charge and **wherein each said electrical bridge type detonator includes a chip slapper capable of being initiated with less than 50 mj of energy....**

As shown bolded above for element 1 of each of independent claims **1, 8, and 14**, such claims have been amended to include the limitations of dependent claims 3, 10 and 16 respectively. The Examiner had stated that, "With respect to the initiation of the electrical bride limitation, Brooks doesn't explicitly teach an initiation less than 50 mj of energy, **however Brooks does teach that it is an inherent design choice** to increase the efficiency of the bridge circuitry to minimize activation energy and time, thereby creating a near simultaneous explosion of the multiple discharge units (col. 4, lines 36-63)." The Examiner then states that, "**It would therefore be obvious** to one skilled in the art of oil field management **to select commercially available CDUs** to minimize the activation energy and activation time." Applicants respectfully submit that the obviousness rejection is improper.

"the inherency of an advantage and its obviousness are entirely different questions. That which may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown."
In re Spormann, 363 F. 2d 444, 150 USPQ 449 (C.C.P.A. 1966)

“Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” In re Oelrich 212 USPQ 323 (CCPA 1982)

Applicants submit that there is no supporting teaching in Brooks alone or in combination with Wu to support a prima facie case of obviousness as mandated under In re Spormann and In re Oelrich. Spormann in particular, as shown above, teaches that arguments based on inherent properties cannot stand when there is no supporting teaching in the prior art. The Examiner cites col. 4, lines 36-63 in Brooks, but Applicants submit that nowhere in that citation is there an explicit teaching of an initiation energy of less than 50 mJ for the devices disclosed in the present invention. The Examiner as stated above, also states that it would be obvious to select commercially available CDUs to minimize the activation energy and activation time. Applicants again respectfully disagree and Applicants call upon the Examiner to respond with sites as references to purchase such commercially available CDUs to support his statement.

Accordingly, Applicants respectfully submit, that the rejection of amended base claims **1, 8, and 14** under 35 U.S.C. §103(a), is improper and should be removed.

With respect to dependent claims **3, 10 and 16**, such claims have been provisionally canceled and thus the rejection under 35 U.S.C. §103(a) of claims 3, 10 and 16 is rendered moot.

With respect to remaining dependent claims **2, 4-9, 11-15 and 17-19**, such claims depend directly or indirectly depend from respective amended base claims **1, 8, or 14**.

Under MPEP §2143.01, "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In light of the arguments above with respect to the rejection under 35 U.S.C. §103(a) of base claims 1, 8, and 14, Applicants respectfully submit the rejection under 35 U.S.C. §103(a) of dependent claims **2, 4-7, 9, 11-13, and 15-19** are also deemed improper and the rejection is requested to be removed.

CONCLUSION

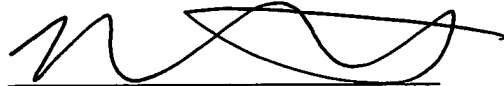
The undersigned respectfully submits that the rejections of the claims raised in the Office Action dated September 09, 2005 have been fully addressed and overcome, and the present application is believed to be in condition for allowance.

It is respectfully requested that this application be reconsidered and that remaining pending claims 1-2, 4-9, 11-15, and 17-19 in this case be passed to issue. In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-3682.

Respectfully submitted,

Dated: _____

2/7/06



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